

**IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI**

**ROBIN RAWLS**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO.: 37-21cv137**

**BONNER ANALYTICAL TESTING COMPANY**

**DEFENDANT**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

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This is an action to recover actual and punitive damages for discrimination in violation of federal law. The following facts support the action:

1.

Plaintiff, Robin Rawls, is a female adult resident citizen of Lamar County, Mississippi who may be contacted through undersigned Counsel.

2.

Defendant, Bonner Analytical Testing Company is a foreign corporation licensed and doing business in Mississippi who may be served with process through its registered agent Michael Stephen Bonner at 2703 Oak Grove Road, Hattiesburg, Mississippi 39402.

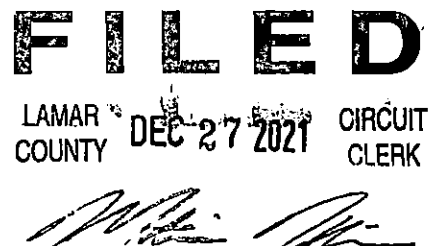
3.

This court has concurrent jurisdiction under 28 U.S.C. § 1331 and civil rights jurisdiction under 28 § 1343, for a cause of action arising under the Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. Venue is proper, because Defendant employed Plaintiff in Hattiesburg, Mississippi.

**EXHIBIT**

**1**

4.



Plaintiff has filed an EEOC charge attached hereto as Exhibit "A" and has received a Right-to-Sue letter attached hereto as Exhibit "B".

5.

Plaintiff was employed by the Defendant in its lab in Hattiesburg, Mississippi.

6.

While working for the Defendant, Plaintiff became pregnant and was out on maternity leave.

7.

While Plaintiff was on leave, the Defendant demanded that Plaintiff return to work, even though Plaintiff's doctor said that the Plaintiff could not return to work early because of complications and issues from the birth.

8.

Despite submitting the doctor's note stating that Plaintiff could not return to work earlier, the Defendant fired the Plaintiff for refusing to return to work despite the doctor's recommendation that Plaintiff stay off work for roughly one more week.

9.

The acts and omissions of the Defendant were in violation of Title VII, the ADA, and/or the FMLA. Plaintiff lost her employment because Plaintiff had a child and could not return from maternity leave immediately when demanded by the Defendant.

10.

Upon information and belief, Defendant has not terminated males who were unable to immediately return to work because of health related issues or pregnancy.

11.

Plaintiff is entitled to actual damages for mental anxiety, stress and lost income.

Defendant's actions are outrageous such that punitive damages are due.

**PRAYER FOR RELIEF**

Plaintiff prays for actual, compensatory, special, and punitive damages in the amount to be determined by a jury, reinstatement and for reasonable attorney's fees.

THIS the 21 day of December, 2021.

Respectfully submitted,

**ROBIN RAWLS,  
PLAINTIFF**

  
\_\_\_\_\_  
DANIEL M. WAIDE, MSB #103543

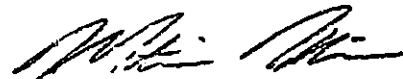
Daniel M Waide, MS Bar #103543  
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1300 Hardy Street  
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EEOC Form 5 (5/01)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
_____ and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) <u>Ms. Robin Rawls</u>		Home Phone (Incl. Area Code) <u>601 310 6686</u>	
Date of Birth <u>6/24/93</u>			
Street Address <u>3683 Hwy 589</u>		City, State and ZIP Code <u>Sumrall, MS 39482</u>	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <u>Bonner Analytical Testing Company</u>		No. Employees, Members 15 +	
Street Address <u>2703 Oak Grove Road, Hattiesburg MS 39402</u>		Phone No. (Include Area Code) <u>601-264-2854</u>	
Name _____		No. Employees, Members _____	
Street Address _____		Phone No. (Include Area Code) _____	
City, State and ZIP Code _____		_____	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest _____ Latest _____ October 26, 2020 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I want the EEOC to investigate my claims of pregnancy discrimination under Title VII and the FMLA. I was terminated while on maternity leave because I was not able to return to work when my employer <b>wanted</b> me to return. I had my baby on September 9, 2020 by c-section. I was out just over 6 weeks when my employer fired me. My employer was aware that my doctor would not clear me to return to work until November 2, 2020.			
I would like the EEOC to investigate my charges because my termination was based in part on my pregnancy.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
<u>11/5/20</u> Date		<u>Robin Rawls</u> Charging Party Signature	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

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EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
**NOTICE OF RIGHT TO SUE** (ISSUED ON REQUEST)

To: **Robin Rawls**  
3638 Highway 589  
Sumrall, MS 39482

From: **Jackson Area Office**  
Dr. A. H. McCoy Federal Building  
100 West Capitol Street, Suite 338  
Jackson, MS 39269

☐ On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**423-2021-00213**

**Joycelyn C. Humes,**  
Investigator

**(769) 487-6915**

(See also the additional information enclosed with this form.)

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

**Eszean McDuffey,**  
Director

Digitally signed by Eszean  
McDuffey, Director  
Date: 2021.09.27 19:17:28 -05'00'

Enclosures(s)

**Eszean S. McDuffey,**  
Director

(Date Issued)

CC: **Sherry Roberts**  
Office Manager  
BONNER ANALYTICAL TESTING COMPANY  
2703 Oak Grove Road  
Hattiesburg, MS 39402

**Daniel Waide**  
JOHNSON, RATLIFF & WAIDE, PLLC  
1300 Hardy Street  
Hattiesburg, MS 39401

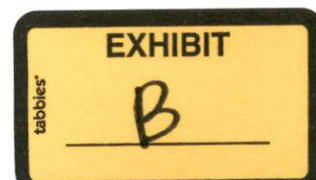
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*[Signature]*



**FILED****INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**LAMAR  
COUNTY

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*(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**